

## STATE OF VERMONT

HUMAN SERVICES BOARD

In re ) Fair Hearing No. J-03/09-136  
 )  
 Appeal of )

# INTRODUCTION

The petitioner appeals the decision by the Office of Vermont Health Access (OVHA) finding her and her husband eligible for medical insurance benefits under the Catamount Health Assistance Program (CHAP), but requiring a monthly premium of \$135 for each of them. The issue is whether the Department correctly determined the petitioner's countable income in accord with the pertinent regulations.

A telephone hearing was held on April 8, 2009. The following facts are based on the undisputed representations of the parties at, and in documents submitted subsequent to, that hearing.

## FINDINGS OF FACT

1. The petitioner and her husband reapplied for health benefits in February 2009. In a decision dated February 23, 2009 the Department found them eligible for CHAP effective March 1, 2009, subject to a monthly premium of \$135 for each of them.

2. The petitioner does not dispute that she receives a monthly disability payment of \$2,500, and that her husband receives unemployment benefits of just under \$800 a month. The Department allowed the petitioner's husband a deduction from his unemployment of \$378 a month for child support payments that are deducted from his checks. The remaining household income was determined to be \$2,921.80, which is 239% (percent) of current Federal Poverty Level (FPL).

3. The petitioner does not dispute the Department's calculations, which were based on information she provided. Unfortunately, it appears that recent changes in her household situation have worked to her disadvantage in determining her most recent eligibility for state health program benefits. One was that she and her husband were married in September, requiring them to be considered as a single household for income determination purposes. Another was that her son moved out of the household in late December, reducing the household size in determining FPL. The petitioner maintains that she and her husband cannot afford the premiums and still be able to meet their other necessary household expenses.

ORDER

The Department's decision is affirmed.

REASONS

Income eligibility for VHAP and CHAP is determined based on all earned and unearned income in the household. Procedures Manual § 2420. As noted above, there is no dispute that the Department, based on information provided by the petitioner, correctly determined the petitioner's income, and allowed all applicable deductions in accord with the above regulations.

Premiums (or "family contributions") for CHAP are set by statute. 33 V.S.A. § 1984(c). The statute provides that households with incomes between 225 percent and 250 percent of Federal Poverty Level must pay a premium of \$135 per month per covered individual. Id. at §(c)(1)(D).

Inasmuch as the Department's decision in this matter is in accord with the pertinent statute and regulations, the Board is bound by law to affirm. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 1000.4(D).

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